

EXHIBIT 166

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF TENNESSEE

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5 NIKKI BOLLINGER GRAE, Individually

6 and Behalf of All Others Similarly

7 Situated,

8 Plaintiff,

9 vs. CASE NO.

10 3:16-CV-02267

11 CORRECTIONS CORPORATION OF

12 AMERICA, et al.,

13 Defendants.

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16 CONFIDENTIAL

17 VIDEO DEPOSITION OF WILLIAM DALIUS

18 Nashville, Tennessee

19 February 26, 2020

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Reported by:

Elisabeth A. Miller Lorenz

RMR, CRR, LCR No. 66

Job No.: 10066903

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Video deposition of WILLIAM DALIUS was taken
on behalf of Plaintiff, at Riley, Warnock &
Jacobson, 1906 West End Avenue, Nashville,
Tennessee, beginning at 9:39 a.m., and ending at
1:37 p.m., on Tuesday, February 26, 2020, before
Elisabeth A. Miller Lorenz, RMR, CRR, and LCR No.
66.

1 APPEARANCES:

2 For the Plaintiff:

3 ROBBINS GELLER RUDMAN & DOWD

BY: WILLOW RADCLIFFE

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For the Defendants:

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RILEY, WARNOCK & JACOBSON

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21 Also Present:

22 David Drumel, Videographer

23

24

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1 Latham & Watkins, on behalf of defendants and the
2 witness.

3 THE VIDEOGRAPHER: Thank you.

4 Will the court reporter please swear in
5 the witness.

6 * * *

7 WILLIAM DALIUS

8 was called as a witness, and after having been first
9 duly sworn, testified as follows:

10 E X A M I N A T I O N

11 BY MS. RADCLIFFE:

12 Q Can you please spell your name for the
13 record?

14 A William Dalius; W-I-L-L-I-A-M, D-A-L-I-U-S.

15 Q And where do you presently reside?

16 A In Nolensville, Tennessee.

17 Q And have you been deposed before?

18 A Yes, ma'am.

19 Q How many times?

20 A Several.

21 Q When was the first time you were deposed?

22 A I don't recall.

23 Q What was the nature of the action if you
24 recall?

25 A It was, geez, probably -- probably an EEO

1 say I'd be surprised that any correctional facility
2 would get a deficiency. It's the nature of the
3 business we're in.

4 BY MS. RADCLIFFE:

5 Q Can you describe, if you recall, what a
6 significant deficiency would mean with respect to
7 contract performance?

8 A Not specifically --

9 MR. McGEE: Calls for speculation.

10 THE WITNESS: Not specifically I don't.

11 MR. McGEE: Give me a second.

12 BY MS. RADCLIFFE:

13 Q Do you know what a cure notice is?

14 A I know basically what a cure notice is.

15 Q And what's your recollection of what a cure
16 notice is?

17 A So a cure notice would be something that
18 occurs -- there's -- there's been a problem or an
19 issue found, and you've got so many days to cure the
20 problem, or so many months, whatever it may be,
21 depending on the issue.

22 Q Do you recall whether cure notices were
23 rare?

24 A It would seem to me they'd be rare no matter
25 where you're at, at what facility.

1 Q Do you know who had the responsibility for
2 issuing a cure notice?

3 A My understanding would be it would be the
4 contracting officer, in cooperation with the
5 operations folks. It's a -- the -- basically the
6 team effort.

7 Q We discussed a little bit earlier
8 Northeast Ohio.

9 Are you aware that CCA lost that contract
10 with the BOP in approximately 2014?

11 A I was aware of that.

12 Q Do you know why?

13 A My understanding was, it was predominantly a
14 cost issue and the dual population issue. That was
15 a dual population with BOP and marshals.

16 Q And where did you learn that information
17 from?

18 A Procurement staff.

19 Q Are you aware of any other reasons --

20 A No.

21 Q -- the procurement staff indicated that
22 Northeast Ohio lost that contract?

23 A No, ma'am.

24 Q Would they be the individuals in the best
25 position to know why the Northeast Ohio contract had

1 been lost?

2 A They would have had us sign off on it, so
3 they would have been a part of the process, with the
4 operations folks. But they would actually have to
5 sign it, the procurement people.

6 Q So the procurement staff and the operations
7 folks, they would be the individuals in the best
8 position to know why CCA had lost any contract; is
9 that fair to say?

10 MR. McGEE: Objection, calls for
11 speculation.

12 THE WITNESS: I would guess so. I
13 don't know precisely, but -- because I didn't sign
14 any of the documents.

15 BY MS. RADCLIFFE:

16 Q But the procurement staff would have been
17 the individuals who signed off on those documents,
18 correct?

19 A That's my understanding.

20 Q In 2016, do you recall that the population
21 at McRae was reduced?

22 A Not directly, I don't recall that.

23 Q Do you recall in 2017, while you were at
24 CCA, that the Eden facility was closed?

25 A I was aware of that.

1 I, the undersigned, a Licensed Court
2 Reporter of the State of Tennessee, do hereby
3 certify:

4 That the foregoing proceedings were
5 taken before me at the time and place herein set
6 forth; that any witnesses in the foregoing
7 proceedings, prior to testifying, were duly sworn;
8 that a record of the proceedings was made by me
9 using machine shorthand, which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is a true record of the testimony given.

12 Further, that if the foregoing pertains
13 to the original transcript of a deposition in a
14 federal case, before completion of the proceedings,
15 review of the transcript was requested.

16 I further certify I am neither
17 financially interested in the action nor a relative
18 or employee of any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21 Dated: March 11, 2020

22 
23 _____

24 Elisabeth A. Miller Lorenz

25 RMR, CRR, LCR No. 66